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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Ahmad Ansari et al.

Appln. No.: 09/842,363

Filed: April 25, 2001

For: Method and System for Transferring Content to a Networked Unit

Examiner: Raman, Usha

Art Unit: 2623

Attorney Docket No: 8285/469

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Sir:

TRANSMITTAL

Attached is/are:

☒ Transmittal (in dup.); Check in the amount of $500 (Notice of Appeal); Notice of Appeal (in dup.); Pre-Appeal Brief Request for Review.

☒ Return Receipt Postcard.

Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of $_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		or	Not a Small Entity	
					Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus			x $25=			x $50=	
Indep.		Minus			X100=			x $200=	
First Presentation of Multiple Dep. Claim					+$180=			+ $360=	
					Total	$		Total	$

Fee payment:

☒ A check in the amount of $500 is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of $_____. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of $_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.
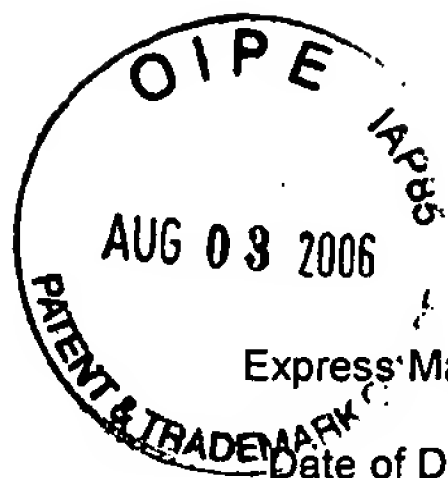
Respectfully submitted,

August 3, 2006
_____
Date

_____
Scott W. Brim (Reg. No. 51,500)

BRINKS HOFER GILSON & LIONE
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

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HOFER
GILSON
&LIONE

<u>Attorney Docket No. 8285/469</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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   Ahmad Ansari et al.   )
) Examiner: Raman, Usha
Serial No.: 09/842,363   )
) Group Art Unit No.: 2623
Filing Date: April 25, 2001)
)
For: Method and System for)
   Transferring Content to a)
   Networked Unit   )

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

REMARKS

I.   Introduction

Claims 1 and 3-24 are pending in the application. In the final Office Action dated May 3, 2006, the Examiner rejected claims 1, 3-4, 6-13, 15-17, and 21-24 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Pat. No. 5,940,117 ("Hassan") in view of U.S. Pat. No. 5,414,460 ("Gonzales") and U.S. Pat. No. 5,410,343 ("Coddington").[1] Further, claims 18 and 19 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Hassan in view of Gonzales.[2] Finally, claims 5, 14, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hassan in view of Gonzales, Coddington, and U.S. Pat. No. 5,701,582 ("DeBey").

II.   The Proposed Combinations Do Not Render Claim 1 Unpatentable

Claim 1 is directed to a method of downloading video content representing a program to a subscriber terminal. Claim 1 recites downloading at least one of a plurality of video quality portions having a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request received from a subscriber terminal after downloading a complete copy of the low-quality video portion. Hassan, Gonzales, Coddington, and DeBey all fail to disclose at least this element.

Hassan is directed to a method for transmitting multi-resolution image data via wireless devices in a radio frequency communication system wherein images are decomposed into levels of resolution. As admitted by the Examiner, Hassan is limited to a system of transmitting image data via wireless devices in a radio frequency communication system. Hassan does not disclose downloading at least one of a plurality of video quality portions having a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request received from a subscriber terminal after downloading a complete copy of the low-quality video portion.

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[1] Applicants assume the Examiner inadvertently cited 35 U.S.C. § 102(e) as the basis of this rejection and have addressed the rejection as based on 35 U.S.C. § 103(a) below.

[2] Applicants assume the Examiner inadvertently cited 35 U.S.C. § 102(e) as the basis of this rejection and have addressed the rejection as based on 35 U.S.C. § 103(a) below.

Like Hassan, Gonzales also fails to disclose downloading at least one of a plurality of video quality portions having a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request received from a subscriber terminal after downloading a complete copy of the low-quality video portion. Gonzales is directed to a motion video compression system with multi-resolution features. Gonzales discloses using DCT coefficients from one video resolution to predict DCT coefficients for another video resolution. While Gonzales may disclose a multi-resolution video scheme for video content, Gonzales does not disclose actions such as downloading at least one of a plurality of video quality portions having a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request. In fact, the Examiner has admitted that Hassan and Gonzales fail to disclose transmitting video data to a subscriber terminal via a digital subscriber line. In an attempt to cure the deficiency, the Examiner cites Coddington. However, Coddington does not disclose the element the Examiner admits is lacking in Hassan and Coddington.

Coddington is directed to a video-on-demand service using a public switched telephone network. While Coddington may disclose providing video content via a digital subscriber line, Coddington does not disclose downloading at least one of a plurality of video quality portions having a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request received from a subscriber terminal after downloading a complete copy of the low-quality video portion.

DeBay also fails to disclose downloading at least one of a plurality of video quality portions having a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request received from a subscriber terminal after downloading a complete copy of the low-quality video portion. DeBay is directed to a method and apparatus for efficient transmissions of programs. In DeBay, a user may request video content. In response to the request, the DeBay system retrieves the requested video content and provides the requested video content to the user. In some embodiments, the receiver in the DeBay system may store a first portion of the requested video content. However,

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DeBay does not disclose storing an entire low-quality portion of the video content before obtaining a higher-quality portion of the video content.

Due to the fact Hassan, Gonzales, Coddington, and DeBay all fail to disclose at least downloading at least one of a plurality of video quality portions having a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request received from a subscriber terminal after downloading a complete copy of the low-quality video portion, the proposed combinations of Hassan, Gonzales, Coddington, and DeBay as contemplated by the Examiner necessarily do not render independent claim 1, or any claim that depends on claim 1, unpatentable.

III. The Proposed Combinations Do Not Render Claim 11 Unpatentable

Claim 11 recites a system for transporting video to a subscriber premises wherein a video repository is operative to download at least one of a higher quality part corresponding to a selected video to a subscriber unit via a digital subscriber line to be combined with one of a lower quality parts, that comprises a complete copy of the video, stored by a subscriber unit. As described above, Hassan, Gonzales, Coddington, and DeBay all fail to disclose downloading at least one of a plurality of video portions of a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request received from a subscriber terminal after downloading a complete copy of the low-quality video portion. For at least this reason, the proposed combinations of Hassan, Gonzales, Coddington, and DeBay as contemplated by the Examiner necessarily cannot render independent claim 11, or any claim that depends on claim 11, unpatentable.

IV. The Proposed Combination Does Not Render Claim 18 Unpatentable

Claim 18 recites a network interface for causing a remote content repository to download a remotely stored portion of the selected compressed content file over a digital subscriber line in response to a user selection after storing the one or more complete low-quality portions and a re-composition device for recombining the locally stored and remotely stored portions of the content file. As described above, Hassan,

Gonzales, and DeBay all fail to disclose downloading at least one of a plurality of video portions of a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request received from a subscriber terminal after downloading a complete copy of the low-quality video portion. For at least this reason, the proposed combinations of Hassan, Gonzales, and DeBay as contemplated by the Examiner necessarily cannot render independent claim 18, or any claim that depends on claim 18, unpatentable.

V. The Proposed Combinations Do Not Render Claim 21 Unpatentable

Claim 21 recites a system for providing video content representing a program to a networked device comprising means for downloading a low quality part of a video content that represents a complete copy of the program at a low video quality to a networked device via a digital subscriber line for storage therein and means for downloading at least one of the other parts to the networked device via the digital subscriber line in response to a selection request received after downloading the low quality part of the video content. As described above, Hassan, Gonzales, Coddington, and DeBay all fail to disclose downloading at least one of a plurality of video portions of a video quality higher than a low-quality video portion to a subscriber terminal via a digital subscriber line in response to a selection request received from a subscriber terminal after downloading a complete copy of the low-quality video portion. For at least this reason, the proposed combinations of Hassan, Gonzales, Coddington, and DeBay as contemplated by the Examiner necessarily cannot render independent claim 21, or any claim that depends on claim 21, unpatentable.

Respectfully submitted,

Scott W. Brim
Registration No. 51,500
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200